

Official Proceedings

July 2nd, 2013
8:00 am

Chairman Zander called the meeting of the Stark County Board of Commissioners to order. All members present.

Chairman Zander asked for any additions to the agenda. Comm. Hoff added Zoning. Comm. Kuntz moved to approve the agenda with the addition. Comm. Wolf seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve the minutes from the June 4th, 2013 meeting. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Wolf moved to accept the accounts payable plus the supplement. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

General: Payroll: \$216,668.15; NDPers: \$28,830.77; Patricia Garrity: \$4,698.72; NDACO Resources: \$30.00; Kay Haag: \$439.00; SAHRA: \$40.00; Burleigh County Sheriff: \$35.00; Commission for Continued Legal Education: \$25.00; Dakota Water Treatment: \$35.25; West Payment Center: \$628.19; SBM Inc: \$1,860.89; Walmart: \$497.57; RACO Industries: \$105.16; Xerox Corporation: \$666.54; Diane Brines: \$19.24; NDAAO: \$60.00; Electric Sales & Service: \$473.60; Maintenance Management: \$470.00; Twin City Roofing: \$339.00; Consolidated: \$436.30; MDU: \$2,154.04; Roughrider Electric: \$150.00; Southwest Water: \$49.60; Braun Distributing: \$517.51; Dakota Farm Equipment: \$120.32; Denny's Electric: \$357.50; Jobs HQ: \$192.80; Logo Magic Inc: \$143.00; Newby's Ace Hardware: \$454.16; Runnings Supply: \$35.39; T-Rex Conoco: \$764.73; City of Dickinson: \$11,800.67; Secretary of State: \$2,799.47; Mark Blumer: \$210.00; Farmers Union Oil Bis/Man: \$2,161.17; Wex Bank: \$1,079.19; Cenex Fleetcard: \$10,540.24; Rudy's Lock & Key: \$175.00; AT&T Mobility: \$1,651.93; Century Link: \$487.00; US Postal Service: \$50.00; Office Max: \$249.90; Pitney Bowes: \$888.60; ND Youth Correctional Center: \$2,973.60; Britton Jewelers: \$129.99; Comfort Inn: \$93.60; Dickinson Parks: \$49.92; DJ's Tesoro: \$57.89; RDJ Specialties: \$723.56; Comfort Inn: \$345.00; Post Board: \$75.00; NDPOA: 655.00; Dakota Rubber Stamp: \$24.95; Quality Quick Print: \$254.00; West Payment Center: \$157.50; Visa: \$1,148.09; Advanced Business Machines: \$481.79; Millie's Stitching: \$33.00; Daun Schaff: \$23.95; Uniform Center: \$1,676.88; Dickinson Ambulance: \$231.50; Dickinson Collision Center: \$293.38; Dickinson Tire & Auto: \$1,122.43; Just In Glass: \$40.00; Midas Auto Service: \$267.92; Pro Tint: \$1,650.00; R & J Communication: \$4,964.50; Sax Motors: \$199.80; Kurt Schoening: \$41.12; Total Safety US: \$117.90; Motorola Solutions: \$14,781.71; Farmers Union Oil Richardton: \$549.10; Applied Concepts: \$502.50; Kohler Communications: \$330.00; Taser International: \$402.21; Chief Law Enforcement: \$167.70; The Attic Sports: \$1,150.00; Ultramax: \$163.00; Uniform Center: \$1,360.00; LEC Maintenance: \$8,300.46; Metro – Area Ambulance: \$1,358.23; Stark County Auditor (federal deposit) : \$549.14; Best Western Plus: \$138.00; Jolyn Bliss: \$14.58;

Expressway Suite: \$69.30; Shirley Meduna: \$5.09; Electronic Communications: \$43.75; The Dickinson Press: \$118.26;

10 Mill: Kadrmas Lee & Jackson: \$15,315.17; Fisher Sand & Gravel: \$38.57; Ty Newton Fencing: \$2,439.02; ND Dept of Transportation: \$21.75;

County Road: Kadrmas Lee & Jackson: \$188,030.63; Hlebechuk Construction: \$48,932.90; Jurgens Trucking: \$12,535.00; Martin Construction: \$393,677.64; Edward Schwartz: \$12,022.00; TY Newton Fencing: \$743.10; Outback Lumber Supply: \$226.50; North Central Rental & Leasing: \$9,510.00; RDO Equipment: \$11,484.77; AT&T: \$193.02; City of Belfield: \$27.59; City of Dickinson: \$83.61; Consolidated: \$44.88; MDU: \$302.94; Roughrider Electric: \$1,125.00; Southwest Water: \$51.97; Century Link: \$56.52; City of Richardton: \$54.90; Dickinson Supply: \$175.12; Kohler Communications: \$174.00; Mac's Inc: \$84.20; Newby's Ace Hardware: \$15.99; Runnings Supply: \$1,147.62; George's Tire Shop: \$25.00; JP Steel & Supply: \$25.16; Nelson International: \$186.41; NW Tire Inc: \$1,103.24; Performance Truck Center: \$1,066.32; Tom's Body Shop: \$279.21; Wallwork Truck Center: \$328.00; Butler Machinery: \$1,692.93; Dakota Filter Supply: \$50.30; Prairie Auto Parts: \$52.99; Swanston: \$50.75; Parkway Ford Sales: \$110.00; Southwest Grain: \$31,084.76; West Dakota Oil: \$3,524.71; Bosch Lumber: \$202.29; Diamond Truck Equipment: \$24.54; Praxair: \$100.57; Ray's Auto Electric: \$13.60; Total Safety: \$329.95; ND Dept of Transportation: \$100.00; Kris Engineering: \$1,656.28; Contech Engineer: \$4,099.10; Dennis & Donna Reich Family Mineral Trust: \$102,900.00; Fisher Sand & Gravel: \$673.69; Laker Chemical Inc: \$1,386.00; Northern Improvement: \$215,613.80; Lyle Signs Inc: \$652.75; Coca-Cola Bottling Co: \$102.00; Maintenance Management: \$200.00; Smart Computers: \$278.80; All In One LLC: \$18,055.00;

Highway Tax Distribution: Payroll: \$96,765.45; NDPers: \$25,609.47; NDACO: \$2,932.05; Lady J's Catering: \$275.00;

Social Welfare: Payroll: \$161,808.65; NDPers: \$41,364.98; Dell Marketing: \$236.44; Wrap Around Checks: \$1,225.90; AT&T: \$67.35; ND Children & Family Services: \$25.00; ND Dept of Human Services: \$3,971.11; Braun Distributing: \$204.50; Jack Brown: \$280.00; City of Dickinson: \$186.88; Comfort Suites: \$552.00; Consolidated: \$916.25; DJ's Tesoro: \$78.48; Bertie Gustafson: \$612.57; MDU: \$909.26; Record Keepers: \$18.00; SBM Inc: \$759.61; Total Safety: \$22.00; The UPS Store: \$18.01;

County Poor: ND Dept of Human Services: \$43,091.21;

IT – Computer/Updates: NDACO Resources: \$8,068.26; Consolidated: \$257.90; Hewlett-Packard: \$1,185.00; Information Technology: \$1,150.45; Xerox Corporation: \$187.34;

Capital Improvement: Motorola Solutions: \$2,106.89;

Oil & Gas Infrastructure: Belfield Public School: \$22,968.75; Richardton – Taylor Public School: \$22,968.75;

County Park: The Dickinson Press: \$36.50; Kadrmas Lee & Jackson: \$51.59; ND Insurance Department: \$183.55;

Fair Board: Stark County Fair Board: \$1,547.18;

County Jail: SWMCCC: \$84,788.76; St. Joseph's Hospital: \$198.00;

Insurance Reserve: American Insurance: \$340.00; ND Insurance Department: \$5,075.23; NDACO Resources: \$7,996.67;

Comp Health Care: NDPers: \$29,855.22; Blue Cross Blue Shield: \$189.40;

VSO Fund: Payroll: \$7,423.92; Xerox Corporation: \$47.64;

Social Security: Stark County Auditor (Federal Deposit): \$35,778.38; Jason Wallace: \$49.54;

County Agent: Payroll: \$4,697.27; NDPers: \$502.65; Kurt Froelich: \$262.70; Stark-Billings 4-H Council: \$60.00; Samantha Roth: \$35.00; Consolidated: \$168.17; SBM Inc: \$122.45; Xerox Corporation: \$244.82;

Weed Control: Payroll: \$19,142.17; NDPers: \$2,547.68; NDACO Resources: \$15.20; Diane Allmendinger: \$334.48; SBM Inc: \$160.46; Crop Production: \$1,818.15; Runnings Supply: \$19.95; Pump Systems LLC: \$1,426.21; Stark County Auditor (Federal Deposit): \$219.35;

9-1-1: Payroll: \$4,397.53; NDPers: \$1,574.04; Stark County Auditor (Federal Deposit): \$310.55; City of Dickinson: \$10,806.25; Corporate Translation Services: \$2.54; Century Link: \$1,616.26; Consolidated: \$445.00; NDACO Resources: \$14,362.69;

Adult Education: NDSU Extension Program: \$28.00;

Domestic Violence: State Treasurer: \$389.00;

Seat Belt Grant: Payroll: \$802.96; Wex Bank: \$9.93;

Saturation Patrol Grant: Payroll: \$367.61;

Cops Grant 2011: Payroll: \$3,995.96; NDPers: \$1,004.12; Stark County Auditor (Federal Deposit): \$309.48;

Misc. Grants: Uniform Center: \$1,360.00; Applied Concepts: \$1,500.00;

SW Victim Witness Program: Payroll: \$4,736.22; NDPers: \$1,006.82; SBM Inc: \$60.23; AT&T: \$86.58; Consolidated: \$43.94; Stark County Auditor (Federal Deposit): \$345.99;

DVRCC: Domestic Violence: \$3,302.00;

Preservation Fund: Consolidated: \$59.95; Tiffany Conrad: \$28.02;

State Reimbursements: Johnna Douthit: \$25.00; Jennifer Dufner: \$50.00; John G Dufner: \$607.97; Thomas Grosz: \$25.00; Samuel Wilson: \$102.00; Tristan Winstone: \$860.90; Alyssa Beaudoin: \$25.00; Visa: \$685.34; Brenna Fahey: \$25.00;

Siren Contingency: Electronic Communications: \$850.00; Roughrider Electric: \$205.00;

Other Reimbursements: Consolidated: \$182.00; Office of Attorney General: \$1,495.00; Pharmchem Inc: \$210.00;

911 Equipment: The Dickinson Press: \$99.50; Consolidated: \$57.12;

Sheriff Clarence Tuhy presented his monthly report.

Sheriff Clarence Tuhy requested out-of-state travel for one Deputy to Iowa August 25th to August 30th regarding BCI Narcotics Task Force training. Comm. Hoff moved to approve the out-of-state travel to Iowa. Comm. Elkin seconded. All voted Aye and the motion carried.

Al Heiser, Road Superintendent, gave an update on roads.

Al Heiser, Road Superintendent, discussed heavy dust on 32nd Street to Highway 22, approximately 4 miles, and recommended reducing the speed limit to 35 miles/hour for all traffic. Comm. Kuntz moved to approve reducing the speed limit to 35 miles/hour. Discussion was held in regards to applying mag-chloride. Comm. Elkin seconded. Comm. Kuntz, Comm. Hoff and Comm. Zander voted Aye. Comm. Wolf and Comm. Elkin voted Naye. Motion carried.

Al Heiser, Road Superintendent, discussed resealing the sidewalks around the County Shop at a cost of \$4,196.00. The funds would come from Capital Improvement. Comm. Kuntz requested to include the Social Service building and County Agent building.

Al Heiser, Road Superintendent, discussed using Oil Impact Funds to pave Bakken Express 115th Avenue and to grade 32nd past Stallion.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report on various projects. Kadrmas, Lee & Jackson are preparing an updated map and legal description for the Park Board land.

Jeff Loh, representing Kralicek Subdivision, discussed the noise on Highway 22. Jeff Loh requested to add language to the Noise Ordinance to include “all engine or compression breaks are prohibited”. States Attorney Tom Henning will provide a letter to the ND Department of Transportation. Comm. Wolf moved to authorize Chairman Zander to sign the letter when completed. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Wolf moved to approve the States Attorney’s office increasing staff by making the Legal Secretary full-time and hiring a full-time Assistant States Attorney I. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

The two year Kadrmas, Lee & Jackson Engineering Agreement has been revised by removing Article V and signed by Chairman Zander.

Comm. Hoff moved to accept and approve the Auditor’s report of the pledge of assets and depositories as presented.

<u>BANK</u>	<u>DEPOSITS</u>	<u>PLEDGE REQUIRED</u>
American Bank Center	\$15,534,164.47	\$16,812,580.92
Dacotah Bank	\$0.00	\$0.00
Dakota Community Bank	\$9,235,810.06	\$9,884,391.07
Bremer Bank	\$500,000.00	\$275,000.00

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin moved to appoint Linda Krebs to the Affordable Care Act as a lead compliance person for ND Pers. Comm. Wolf seconded. All voted Aye and the motion carried.

9:00 Recessed for a Park Board meeting.

9:10 Reconvened.

Comm. Elkin moved to approve the request from the Sheriff’s Department for \$49,447.67 for video cameras and installation, equipment and installation and new motor for Unit 10.

Auditor Kay Haag informed the Commission, if they were interested, that NDCCA has three standing committees that they will be appointing to.

Auditor Kay Haag discussed the changes in the Oil & Gas Production Distribution for the 2013-2015 biennium.

Comm. Hoff presented a recommendation from the Zoning Board to approve Conditional Use Permit for Gravel Pits, Crushing and Stockpiling on a 157.82-acre tract located in the SW4 of Section 20, Township 139, Range 94 for 701 Resources, LLC.

Comm. Hoff moved to approve the Conditional Use Permit for Gravel Pits, Crushing and Stockpiling with the following amended staff recommendations for 701 Resources, LLC.

STAFF RECOMMENDATION: Approval of the proposed conditional use permit based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions.
 - a. The location of the gravel pit shall be as generally shown on the drawing dated May 13, 2013.
 - b. The conditional use permit for the gravel pit shall expire one year from the date of issuance. The permit may be extended by the Stark County Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.
 - c. All mining and excavation sites must have at least a 3-to-1 slope.
 - d. The developer shall be responsible for all maintenance associated with the gravel pit facility.
 - e. Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the gravel pit haul route.
 - f. The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the gravel pit haul route.
 - g. The applicant shall be responsible for dust control along the haul route.
 - h. The applicant shall be responsible for implementing the Gravel Pit Weed Management Plan dated June 24, 2013 as accepted by the Weed Control Officer (See Attachment A) and submitted to the Stark County Planning and Zoning Commission at a public hearing on June 27, 2013.
 - i. The applicant shall report to the Zoning Administrator if the gravel pit operation is no longer in use. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted with natural protected vegetation.
 - j. The applicant shall post a bond in an amount to be determined by the County Commission.
 - k. Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.
 - l. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.

- m. Development and operation of the gravel pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
- n. The Conditional Use Permit approval shall expire with any change of ownership.**

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve a zoning change from Agricultural to Agricultural Residential on a parcel located on the NE4 of Section 23, Township 137, Range 97 containing approximately 10 acres for Kyle Binstock.

Comm. Hoff moved to approve the zoning change from Agricultural to Agricultural Residential for Kyle Binstock.

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve a zoning change from Agricultural to Rural Residential on a parcel located on the SE4 of the SE4 of Section 18, Township 140, Range 95 containing approximately 40 acres for Doug Scheeler.

Comm. Elkin moved to approve the zoning change from Agricultural to Rural Residential for Doug Scheeler.

Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve a zoning change from Agricultural to Agricultural Residential on a parcel located in the NW4 of Section 25, Township 139, Range 96 containing approximately 20 acres for Michael Eustice and Lindsey Jeske.

Comm. Hoff moved to approve the zoning change from Agricultural to Agricultural Residential for Michael Eustice and Lindsey Jeske.

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

The following **Miscellaneous Receipts** were filed: General: \$276,530.29; 10 Mill: \$42,331.66; County Road: \$5,982,497.43; Highway Tax Distribution: \$270,449.32; Special Road & Bridge: \$9,011.51; Social Services: \$97,788.54; County Poor: \$125,498.58; IT-Computer/Updates: \$199.00; Capital Improvement: \$45.10; Infrastructure: \$83,781.10; County Park: \$7,633.75; County Jail: 23,432.18; Insurance: \$9,031.51; Comp Health: \$12,501.27; Emergency: \$3,003.84; VSO: \$3,975.67; Social Security: \$29,568.92; Advertising: \$1,546.09; County Agent: \$6,979.51; Weed Control: \$30,170.26; 911 Revenue: \$27,628.17; Adult Education: \$445.00; Fingerprint Station:

\$320.00; Domestic Violence: \$1,260.00; Seat Belt Grant: \$1,391.66; Saturation Patrol Grant: \$1,414.30; Misc. Grants: \$7,394.98; Estimate Tax: \$4,077.41; Game and Fish: \$54,699.00; SW Victim Witness Program: \$3,389.48; Domestic Violence & Rape Crisis Center: 1,089.00; Preservation Fee: \$3,111.00; State Reimbursement: \$1,727.92; Other Reimbursements: \$5,593.00; 911 Equipment: \$4,833.29;

Comm. Hoff moved to adjourn. Comm. Wolf seconded.

Kay Haag, Auditor

Ken Zander, Chairman